



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

L. Ed. 627. A contrary doctrine is well established in England, Ireland, Canada and some American states. *McCawley v. Furness R. Co.*, L. R. 8 Q. B. 57, 4 Moak, Eng. Rep. 218, 42 L. J. Q. B. 4, 27 L. T. N. S. 485, 21 Week. Rep. 140; *Hall v. N. E. R. Co.*, L. R. 10 Q. B. 437, 14 Moak, Eng. Rep. 261, 44 L. J. Q. B. 164, 33 L. T. N. S. 306, 23 Week. Rep. 860; *Duff v. Gr. N. R. Co.*, L. R. 4 Ir. 178, 41 L. T. N. S. 197; *Bicknell v. Gr. Tr. R. Co.*, 26 Ont. App. 431; *Poucher v. N. Y. Cent. R. Co.*, 49 N. Y. 263; *Meuer v. Chicago, etc., R. Co.*, 5 S. D. 568.

CARRIERS—UNREASONABLE FREIGHT RATES—INTERSTATE COMMERCE ACT—COMMON LAW REMEDY.—The defendant railway company made a charge of 67 cents per hundred for the transportation of cotton seed from Cottonport, Louisiana, to Abilene, Texas, which was about 30 cents more than the rates made for the same distance, between other points of the road. This rate was charged in accordance with the classification and schedule theretofore duly filed with the Interstate Commerce Commission and was published and posted in accordance with the Interstate Commerce Act. An action being brought by the plaintiff to recover under the common law for unreasonable charges, the lower court held that the rate paid was the only one the railroad could have lawfully charged, as it was the one which was filed with and promulgated by the Interstate Commerce Commission and from which it was illegal to deviate. Upon appeal to the Supreme Court it was, *Held*, that the shipper could find relief in a state court under the common law, from unreasonable freight rates exacted from him, notwithstanding such rates were promulgated as the legal rates by the Interstate Commerce Commission. *Abilene Cotton Oil Co. v. Texas & P. Ry. Co.* (1905), — Tex. —, 85 S. W. Rep. 1052.

Whether the interstate commerce regulations made by Congress will permit a shipper to appeal to the common law principles and to bring an action against a railroad company in a state court on account of unreasonable rates is a nice question. It was held in *Swift v. Phil. R. Co.* (C. C.) 58 Fed. 858, that interstate commerce is governed solely by the law of the United States and that the United States as such has no common law; further, that the right to question the reasonableness of interstate rates is a matter of primary as well as of exclusive jurisdiction in the federal courts. The contrary is held, however, in *Murray v. C & N. W. R. Co.* (C. C.) 62 Fed. 24. In *Van Patten v. C. M. & St. P. R. Co.* (C. C.) 81 Fed. Rep. 545, the court held that it was a good defense to an action for damages for alleged unreasonable freight charges to show that the defendant in obedience to the Interstate Commerce Act has adopted, printed and posted a properly proportioned schedule of rates and that the charges complained of are in accordance with those in the schedule. In *W. U. Tel. Co. v. Call Pub. Co.*, 181 U. S. 92, it was held that the principles of the common law are operative upon all interstate commercial transactions, 'except so far as they are modified by Congressional enactment. See also *Houston, etc., R. Co. v. Peters*, 15 Tex. Civ. App. 515, 40 S. W. Rep. 429; *St. Louis, etc., R. Co. v. Carden* (Tex. Civ. App. 1896) 34 S. W. Rep. 145; *Gulf, etc., R. Co. v. Hefley*, 158 U. S. 98, 15 S. Ct. 802, 39 L. Ed. 910.